

**MINUTES OF THE
UTAH CONSTITUTIONAL REVISION COMMISSION**
Thursday, November 4, 2004 – 1:00 p.m. – Room W125 House Building

Members Present:

Mr. Kevin J. Worthen, Chair
Judge Jon M. Memmott, Vice Chair
Rep. Greg J. Curtis
Rep. Scott Daniels
Mr. Kermit Hall
Dr. Michael Petersen
Ms. Kristine Strachan

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Mr. Robert H. Rees, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Members Absent:

Mr. Michael E. Christensen
Chief Justice Christine Durham
Sen. Mike Dmitrich
Sen. David L. Gladwell
Mr. Byron L. Harward
Mr. Morris D. Linton
Mr. Robin Riggs
Speaker Martin R. Stephens
Sen. John L. Valentine

Note: A list of others present and a copy of related materials can be found at www.le.utah.gov or by contacting the commission secretary, Cassandra Bauman, at 538-1032. A recording of the meeting is available from the commission secretary.

1. Commission Business

Chair Worthen called the meeting to order at 1:18 p.m. Chief Justice Durham and Mr. Linton were excused from the meeting.

2. Article XI, Section 5, Charter Cities

Chair Worthen updated the Commission on *Provo City v. Ivie*, indicating powers granted by Article XI, Section 5, thought by some local governments to be granted to all cities, were interpreted by the Utah Supreme Court to be exclusive powers of charter cities.

3. Article VI, Section 21, Recall of Elected Officials

Chair Worthen provided background on the issue.

Mr. Rees distributed and reviewed "State Constitutional Impeachment Provisions" and "Memo Re: Legislative History of 'officers' in Article VI, Section 21 of the Utah Constitution." He indicated that there was no defined meaning of 'officers' in the Constitution.

The Commission discussed the two options provided for amending Article VI, Section 21. Commission members decided to further explore the purposes of impeachment, recall, and removal of officers before taking a position on the issue.

4. Article VII, Section 2, Vacancy in Office of Governor

Mr. Rees provided background on the issue and reviewed the draft legislation distributed prior to the meeting.

The Commission discussed the draft legislation, including the confirmation process for an appointed lieutenant governor and the order of succession for temporary disabilities compared to a permanent vacancy in the offices of governor or lieutenant governor.

5. Other Items / Adjourn

The Commission discussed provisions for possible future study.

Judge Memmott questioned whether the role of the Commission should change due to the near completion of the original mission for the Commission to update and modernize the Constitution. He indicated that the Constitution is not a document which should be constantly changed, but there is value in reviewing and studying proposed changes by the Legislature.

The next meeting is tentatively scheduled for Friday, February 4, 2005 at 12:00 noon, pending any constitutional amendments to review.

Chair Worthen adjourned the meeting at 3:32 p.m.